

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
CABLEVISION SYSTEMS CORPORATION	:
and CSC HOLDINGS, LLC,	: Case No.: 13 CIV 1278 (LTS)(JLC)
	:
Plaintiffs,	:
	:
vs.	:
	:
VIACOM INTERNATIONAL INC. and BLACK	:
ENTERTAINMENT TELEVISION LLC,	:
	:
Defendants.	:
-----X	

**DECLARATION OF JOSEPH F. TRINGALI IN SUPPORT OF DEFENDANTS'**  
**MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

I, Joseph F. Tringali, make this declaration pursuant to 28 U.S.C. § 1746, and state as follows:

1. I am a member of the law firm of Simpson Thacher & Bartlett LLP, attorneys for Defendants Viacom International Inc. and Black Entertainment Television LLC in the above-captioned matter. I am a member of the bar of the State of New York and of the United States District Court for the Southern District of New York. I submit this Declaration in support of Defendants' Motion To Dismiss Plaintiffs' Amended Complaint. I am familiar with the facts and circumstances set forth herein, based on personal knowledge or the review of the attached documents or files maintained by my firm.

2. Attached hereto as Exhibit A is a true and correct copy of Defendants' Brief in Opposition to Petition for Writ of Certiorari, *Brantley v. NBC Universal, Inc.*, 133 S. Ct. 573 (2012) (No. 12-171).

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from Distributor Defendants' Memorandum in Support of Motion to Dismiss Plaintiffs' First

Amended Complaint, *Brantley v. NBC Universal, Inc.*, No. CV 07-6101 CAS (VBKx) (C.D. Cal. Dec. 21, 2007).

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from Defendants' Memorandum in Support of Motion to Dismiss Plaintiffs' Third Amended Complaint, *Brantley v. NBC Universal, Inc.*, No. CV 07-6101 CAS (VBKx) (C.D. Cal. June 12, 2009).

5. Attached hereto as Exhibit D is a true and correct copy of the Comments of Cablevision Systems Corp., *In re The Regional Sports Network Marketplace*, 27 FCC Rcd. 154 (2012) (No. 11-128), dated September 9, 2011.

6. Attached hereto as Exhibit E is a true and correct copy of the Reply Comments of Cablevision Systems Corp., *In re The Regional Sports Network Marketplace*, 27 FCC Rcd. 154 (2012) (No. 11-128), dated September 26, 2011.

7. Attached hereto as Exhibit F is a true and correct copy of excerpts from the Brief for Petitioners, *Cablevision Systems Corp. v. FCC*, 597 F.3d 1306 (D.C. Cir. 2010) (Nos. 07-1425, 07-1487).

8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the Annual Report (Form 10-K) of Cablevision Systems Corp., dated February 16, 2011.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts from the Annual Report (Form 10-K) of Cablevision Systems Corp., dated February 25, 2010.

10. Attached hereto as Exhibit I is a true and correct copy of excerpts from Cablevision and MSG Network, Inc.'s Memorandum of Law in Support of Cross-Motion to Dismiss Complaint, *Moccio v. Cablevision Sys. Corp.*, 208 F. Supp. 2d 361 (E.D.N.Y. 2002) (No. 02-civ-2138).

11. Attached hereto as Exhibit J is a true and correct copy of excerpts from Distributor Appellees' Joint Opposition Brief, *Brantley v. NBC Universal, Inc.*, 675 F.3d 1192 (9th Cir. 2012) (No. 09-56785).

12. Attached hereto as Exhibit K is a true and correct copy of excerpts from the Annual Report (Form 10-K) of Cablevision Systems Corp., dated February 28, 2013.

13. Attached hereto as Exhibit L is a true and correct copy of excerpts from the redacted Trial Brief of Defendant Cablevision Systems Corp., *In re Game Show Network v. Cablevision Systems Corp.*, 27 FCC Rcd. 5113 (2012) (No. 12-122).

14. Attached hereto as Exhibit M is a true and correct copy of excerpts from Distributor Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint, *Brantley v. NBC Universal, Inc.*, No. CV 07-6101 CAS (VBKx) (Apr. 22, 2008).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of August, 2013, at New York, New York.

/s/ Joseph Tringali

JOSEPH F. TRINGALI

**CERTIFICATE OF SERVICE**

I, Lloyd Colona, hereby certify under the penalty of perjury that on August 23, 2013, I personally served a true and correct copy of the attached:

**- NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT**

**- MEMORANDUM OF LAW OF VIACOM INTERNATIONAL AND BLACK ENTERTAINMENT TELEVISION IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

**- DECLARATION OF JOSEPH F. TRINGALI IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

By Federal Express upon:

Mark S. Popofsky  
Ropes & Gray LLP  
One Metro Center  
700 12th Street, N.W.  
Washington, D.C. 20005

Dated: New York, New York  
August 23, 2013

  
Lloyd Colona

**CERTIFICATE OF SERVICE**

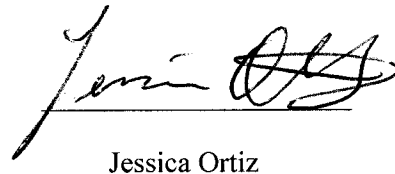
I, Jessica Ortiz, hereby certify under the penalty of perjury that on August 23<sup>rd</sup>, 2013, at approximately 11:45 AM, I personally served a true and correct copy of the attached:

- NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT
- MEMORANDUM OF LAW OF VIACOM INTERNATIONAL AND BLACK ENTERTAINMENT TELEVISION IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT
- DECLARATION OF JOSEPH F. TRINGALI IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

By-Hand upon:

Jerome Katz  
Ropes & Gray LLP  
1211 Avenue of the Americas  
New York, NY 10036

Dated: New York, NY  
August 23, 2013.



Jessica Ortiz